IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 271 of 2006 (S/B)

Gaurav Sharma S/o Gauri Shankar Sharma,
R/o 142-MIG, Kedarpuram,
P.O. Defence Colony, Dehradun. ……. Petitioner

Versus

1. Director, Silk Directorate,
   Uttaranchal, Prem Nagar,
   Dehradun.
2. Secretary, Social Welfare /
   Commissioner, Secretariat,
   Dehradun.
3. Virender Singh Deopa,
   S/o Thakur Singh Deopa,
   R/o 62 Bakral Wala, Dehradun.
4. Principal Secretary,
   Department of Personnel,
   Secretariat, Dehradun. …….. Respondents

Mr. A. Rab, Advocate for the petitioner.
Mr. B.D. Kandpal, Standing Counsel for respondents Nos. 1, 2 & 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. A. Rab, Advocate for the petitioner.

Mr. B.D. Kandpal, Standing Counsel for respondents Nos. 1, 2 & 4.

They are heard on admission.

2. Petitioner Gaurav Sharma has filed this writ petitioner for the following reliefs:

> "i. Issue a writ / order or direction in the nature of certiorari quashing the order of appointment of respondent number three issued by the respondent number one which was made pursuant to the advertisement in Dainik Jagran on 1st August, 2005 (Annexure Number 4).
>
> ii. Issue a writ/order or direction in the nature of mandamus directing the respondent number one to

appoint the petitioner to the post of keeth-palak for which he is entitled under Article 21 of the Constitution.

iii. Graciously be pleased to pass any such other relief or reliefs as this Hon'ble Court may deem just and proper in the circumstances of this case.

iv. Award the cost of the petition to the petitioner against the respondents."

3. The petitioner is aggrieved by the selection of respondent No. 3 Virender Singh Deopa for the post of Keeth-Palak, which was reserved for a 'hearing-impaired person'.

4. For the post of Keeth-Palak reserved for 'hearing-impaired person', it appears, three persons including petitioner Gaurav Sharma and respondent No. 3 Virender Singh Deopa applied in response to the advertisement (Annexure No. 4). The Selection Board, after interviewing all the three candidates, found respondent No. 3 Virender Singh Deopa most deserving and therefore, selected him for appointment.

5. It is not the petitioner's case that respondent No. 3 Virender Singh Deopa is not a 'hearing-impaired person' and as such is not eligible for appointment on the said post reserved for 'hearing-impaired person'. The Selection Board found respondent No. 3 Virender Singh Deopa more deserving in comparison to petitioner Gaurav Sharma. In our opinion, this comparative assessment made by the Selection Board is not open to judicial scrutiny.

6. We, therefore, do not find any ground for grant of the reliefs sought by the petitioner in the writ petition.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

8. With the above order, DLMA No. 10921 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**

25.08.2006 25.08.2006

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